

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

FEB 14 2005

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Case No. 5479
Date Filed 2/7/05
Hearing Date _____
Receipt _____
Fee \$450.00

Type of Application

- _____ Administrative Decision/Interpretation
- _____ Special Exception
- _____ Use Variance
- _____ Change/Extension of Non-Conforming Use
- _____ Minor Area Variance
- ☒ Area Variance
- _____ Variance from Requirements of the Code
- _____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5479 MAP 55 TYPE Variance

ELECTION DISTRICT 03 LOCATION 808 Lynch Terrace, Fallston

BY Robert & Cathy Barenski

Appealed because a variance pursuant to Sec. 267-34C, Table II of the Harford County

Code to permit an addition to encroach the required 20' side yard setback (11' proposed)

in the Ag District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Robert Barenski Phone Number 410-877-7765
Address 808 Lynch Terrace Fallston MD 21047
Street Number Street City State Zip Code

Co-Applicant Cathy Barenski Phone Number 410-877-7765
Address 808 Lynch Terrace Fallston MD 21047
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 308 Lynch Terrace, Fallston, MD

Subdivision Lynch Lot Number 1

Acreage/Lot Size .5 acre Election District 3 Zoning Agriculture

Tax Map No. 55 Grid No. 1B Parcel 785 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: House; shed (used for tools + outdoor equipment)

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number have not obtained yet

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

See addendum

Justification

see addendum

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Addendum to Variance Application

**Robert & Cathleen Barenski
February 6, 2005**

Request:

We are respectfully requesting a variance for an addition to our home for increased living space. We live in a two bedroom one-story ranch and have two children residing with us. We have lived in this modest home for six years and have become very established in the neighborhood and community and wish to stay here and enlarge our existing dwelling. We would like to put on a 24' by 35' two-story addition on the side of our ranch (please see attached drawing/photo). *requesting to reduce the side set back to 11 feet.*

Justification:

We believe there are several unique constraints that prohibit us from building our addition in another direction. We live on a corner lot and do not have enough frontages on either side to develop in those directions (the well is in the front yard also). Our 1000 gallon septic tank and leech field are approximately 15 feet behind our house, which is unfortunate as most of our property is behind our house (0.5 acres). There is a 20 foot right-away between our property and our neighbor's home (Mildred Hopkins, 806 Lynch), which she purchased from a previous owner of our house several years ago that makes the distance between the two properties less intrusive. Mrs. Hopkins has stated that she has no concerns or objections with our proposed request for a variance and/or addition plans. In addition, she was granted a variance approximately 2 ½ years ago for a large two car garage on the side of her house. The homes in our neighborhood vary in size between small ranches, two-story colonials and long sprawling ranches.

We have hired an architect who will draw the plans for the addition, and have been working closely with him to develop a plan that will compliment our home and our neighborhood. We plan to make the addition aesthetically pleasing by matching roof shingles and siding that is consistent throughout the entire dwelling. A landscaping architectural plan is underway as well for evergreen trees to be planted between the two houses for privacy.

We believe that a home and property is a reflection of the owner's character. Over the past six years, we have put a considerable amount of care and hard work into our house and land, and believe that our addition will reflect the same amount of care and consideration and will only add value to our neighborhood. Thank you for your consideration in this matter.

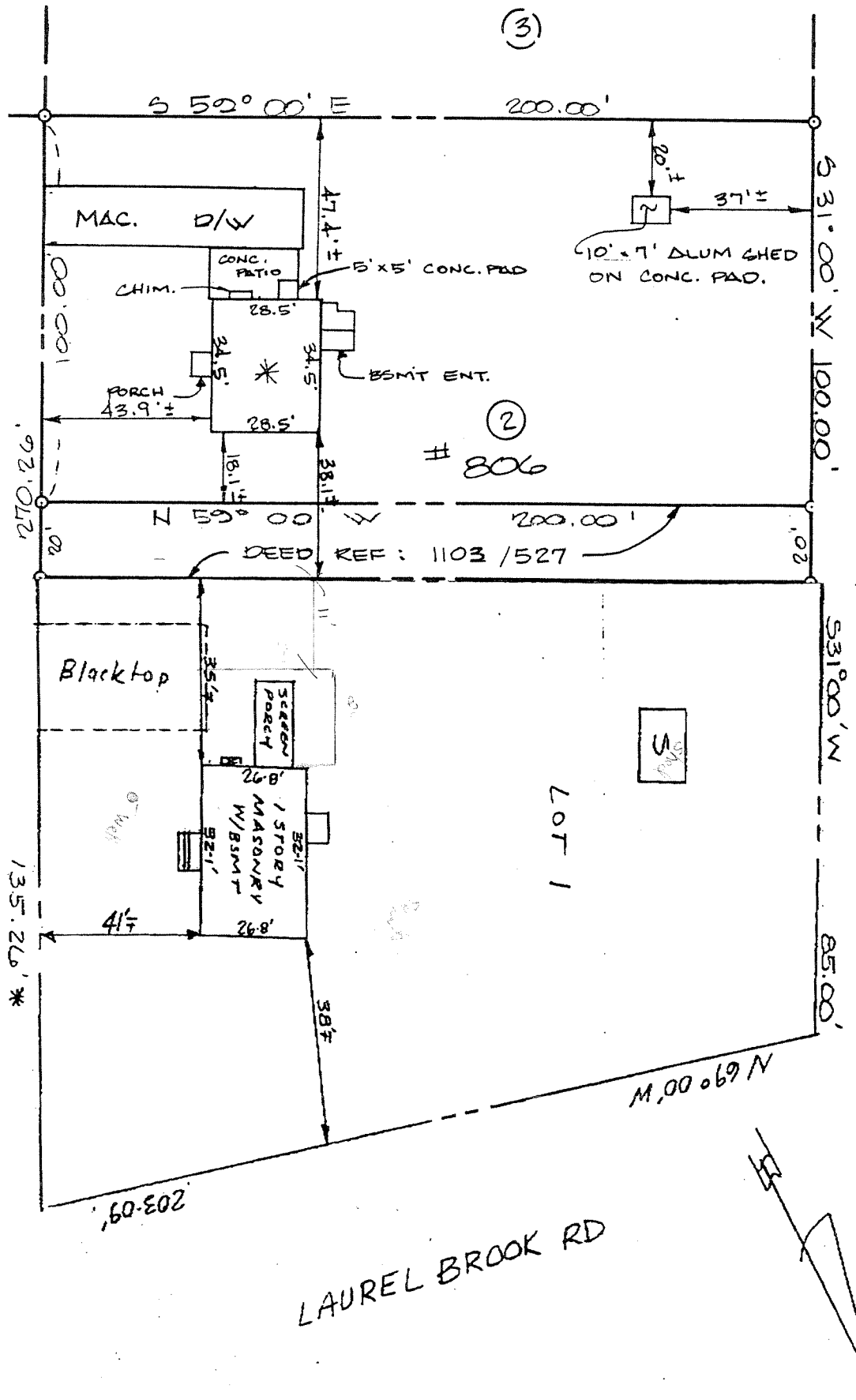
Respectfully,

Robert and Cathleen Barenski

Rough sketch of proposed
addition



Berenski
2/05



AUGUSTA GROUP
 4410 893 4218 P.02/02
 R FALLSTON HARF 5/14/99 AL A Case#99151
 3A

1) 638-2/84

15-88 DRAWN: ME JOB # 112-88

HOPKINS
 3RD ELEC. DIST. HARFORD CO. MD.

BH9916-129 808 LYNCH TERRACE FALLSTON HARF 5/14/99 AL A Case#99151

Fema. Panel: 240040 0089A

Flood Zone: C

LOT 1

LYNCH SUBDIVISION

Book: 5

Folio: 98

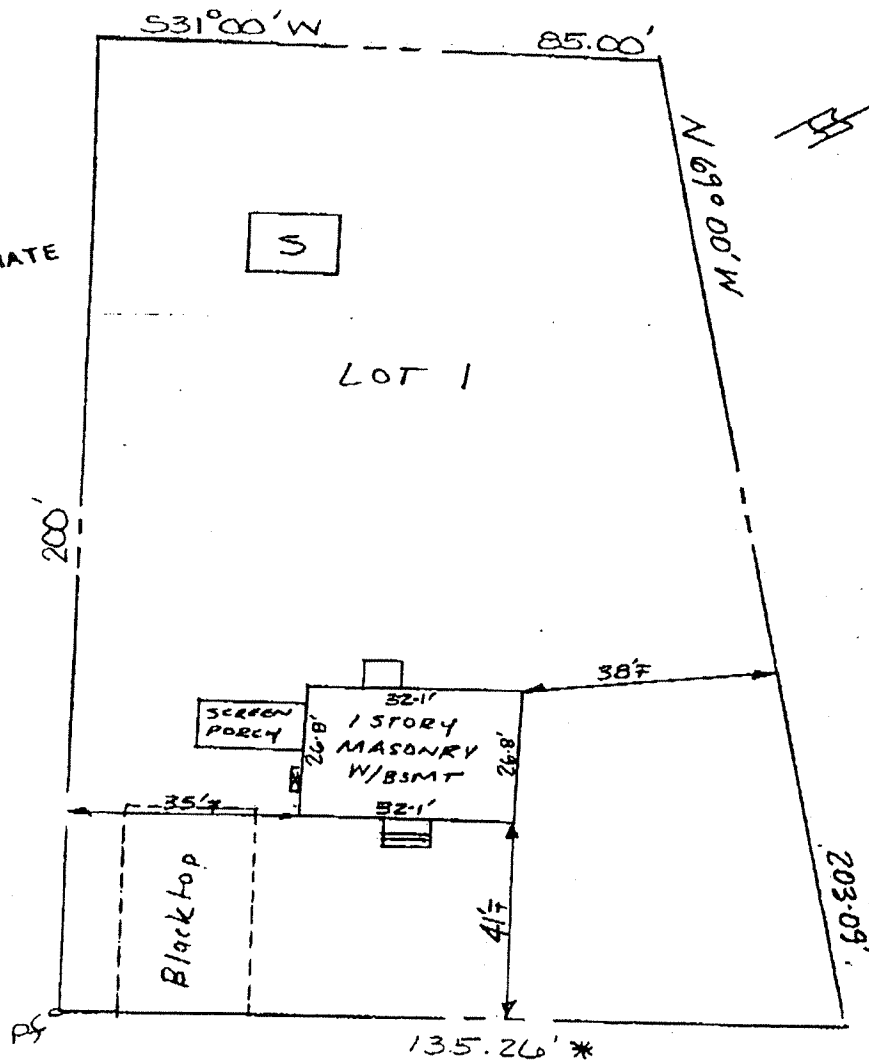
Dist: 3

Co: HARFORD

MD

Scale 1"=30'

LOCATION APPROXIMATE

* DISTANCE IS
APPARENTLY
INCORRECT

LAUREL BROOK RD

LYNCH TERRACE
50' R/WEMAIL:
SURVEYASSOCIATES@EROLS.COMLOCATION
MORTGAGE
SURVEY

Accuracy: Approximate average accuracy (SD of sideline distances) for small suburban lots is two feet, and for large lots and metes and bounds parcels varies from two feet to twenty feet. In case of doubt, we recommend a Boundary Survey.

LEGEND

Shed (unsurveyed) [S]

Blacktop Drive -----

Gravel Drive ===

Concrete =====

This is an improvements Location Survey only, and must not be used for Boundary purposes. No Title Report furnished. No statement is made as to ownership of property or right or interest therein. Fences are approximate only and may not be shown. *Not to be used for construction purposes or permits of any kind whatsoever.*

SURVEY ASSOCIATES OF MARYLAND INC

9418 ANNAPOLIS ROAD
SUITE #103
LANHAM MD 20706
TEL 301 459 2760
FAX 301 459 4409

7221 BALT/ANNAP BLVD
SUITE #100
GLEN BURNIE MD 21061
TEL 410 768 8802
FAX 410 768 8808

32 LEE STREET
P O BOX 6599
ANNAPOLIS MD 21401-0599
TEL 410 266 7211
FAX 410 266 0918

TOTAL P.02

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.

DIRECTOR OF ADMINISTRATION



J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 2, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5479

APPLICANT/OWNER: Robert Barenski
808 Lynch Terrace, Fallston, Maryland 21047

Co-APPLICANT/OWNER: Cathy Barenski
808 Lynch Terrace, Fallston, Maryland 21047

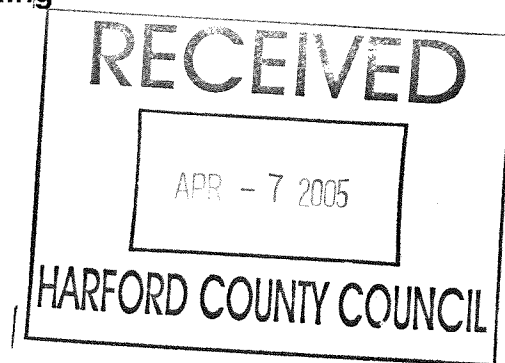
LOCATION: 808 Lynch Terrace / Lynch Subdivision
Tax Map: 55 / Grid: 1B / Parcel: 785 / Lot: 1
Election District: Third (3)

ACREAGE: 0.5 of an acre.

ZONING: AG/Agricultural

DATE FILED: February 2, 2005

HEARING DATE: April 20, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the required 20-foot side yard setback (11-feet proposed) in the AG/Agricultural District.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5479

Robert & Cathy Barenski

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Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located at the southwest corner of Laurel Brook Road and Lynch Terrace. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope where the predominant land use designation is Agriculture. There is also a large amount of Rural Residential representing for the most part existing residential developments. The Natural Features Map shows Sensitive Species Project Review Areas, stream systems, and Agricultural Preservation Districts and Easements. The subject property is located off of the south side of Laurel Brook Road where the land use designation is Agricultural, while on the north side the land use designation is Rural Residential. The Agricultural designation is defined by the Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. While the Fallston area is a mix of Agriculture and single-family residential developments the predominant land use is Agriculture. This would include cropland, pastureland and large areas of dense woodland. The residential developments for the most part are single family dwellings. There is some minor commercial activity in the villages of Fallston and Upper Cross Roads to the north. The topography in this general area of the County ranges from rolling to steep, especially near the stream valleys. Enclosed with the report is a copy of the topography map and aerial photograph (Attachments 7 and 8).

The subject lot is part of a small single-family subdivision that was recorded in 1955 as Lynch Subdivision (Attachment 9). The subject property is approximately 0.5 of an acre in size and somewhat rectangular in shape as shown by the Applicants' site plan. The topography of the property ranges from level to gently sloping. The lot slopes from left to right (towards Laurel Brook Road) and at the same time from the front to the rear of the property. The lot is a corner

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lot with frontage on two roads, Laurel Brook Road and Lynch Terrace. Improvements consist of a single-family stucco dwelling that faces Lynch Terrace, blacktopped driveway and shed located in the left rear corner of the property. The property contains mature trees and shrubbery. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. Residential zoning in the immediate area is RR/Rural Residential. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the required 20-foot side yard setback (11-feet proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The applicants are requesting approval to remodel and enlarge their existing dwelling. They propose to modify the roof line of the existing dwelling and add a 2-story addition to the left side that is approximately 24 by 35-feet in size (see Attachment 13). The homes in the neighborhood vary in size between small ranchers and larger two story colonials. The proposed addition will reduce the existing side yard setback to approximately 11-feet. They propose to plant evergreen trees between their lot and the adjoining lot to the south. There is a 20 foot strip of land between 806 and 808 that originally belonged to the previous owners of the Applicants' property. However, the owner of 806, Mrs. Hopkins, purchased the piece of land from the previous owners (see Attachment 9). The setback will still be approximately 49-feet between the adjacent dwelling and the addition.

The Department finds that the subject property is unique. The building area of this corner lot is constrained by the location of the well in the front yard and the septic tank and drain field located immediately behind the dwelling. The Applicants own one of the smallest dwellings in the subdivision and the addition will be compatible with other homes in the community. The request will not have an adverse impact on adjacent properties or the intent of the code.

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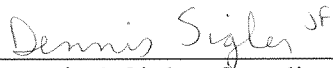
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The dwelling immediately adjoining to the south (806 Lynch Terrace) owned by Mrs. Hopkins, received Board of Appeals approval on October 26, 2000 for a side yard variance to construct a 2-car garage (24 x 30-feet) attached to the dwelling with a breezeway. Enclosed with the report is a copy of the Hearing Examiner's Decision (Attachment 14).

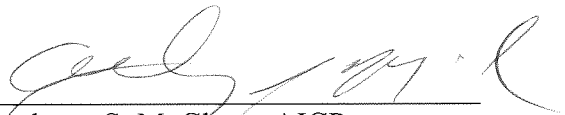
The Applicants have submitted with their application 3-letters from neighbors stating that they have no objections to the proposed addition (Attachments 15, 16, and 17).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning, recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM